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A N
HISTORICAL DEDUCTION
O F
GOVERNMENT;
I N A
L E T T E R
T O A
F R I E N D in the Country.

By Sir TANFIELD LEMAN, Bart.

*Tantum opinio præjudicata poterat ut etiam sine ratione
valeret Auctoritas.*——— CIC. de Naturâ Deorum.

For Forms of Government let Fools contest,
Whate'er is best administer'd is best.

POPE's *Essay on Man*.

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A N
HISTORICAL DEDUCTION
O F
GOVERNMENT, &c.

S I R,

NOTWITHSTANDING the Pleasure I received from your last, which brought with it an additional Proof of your extensive Friendship and Benevolence, I confess my Indignation was not a little raised at the Report you mention to have been spread in your Neighbourhood, that I entertain Principles obnoxious to the present Government, and which appear to me destructive to the Well-being of our Constitution; I mean those of *Jacobitism*. Whether this Calumny has its Origin from the Malice of my Enemies, or the Credulity of that deluded Set of People, who are ever willing to flatter themselves with the Prevalence of their Opinion, I can by no means judge; but this I am certain, that my Conscience acquits me, nor am I sensible that my own Conduct has given any room for such a Belief.

The many Perplexities I have met with, and the fluctuating Situation of my private Circumstances, have not permitted me to turn my Thoughts to Politics in any shape ; nor indeed have I ever been prompted by Inclination to a Disquisition into publick Affairs, as my Studies have, for the most part, been directed to the Profession, by which alone I had Hopes of being an useful Member of the Community. Ambition I am as much a Stranger, and an Enemy to, as any Man living, and my Desires are circumscribed within a very narrow Compass ; could I but once arrive at the Enjoyment of Independence and Tranquillity, I should have no farther Wish, but think them cheaply purchased at the Expence of all my other Claims ; for the Support and Success of which, as my whole Confidence is in the well-known Equity of the *British* Laws, and the approved Integrity of the worthy Dispensers of them, surely it must argue unaccountable Folly or Madness in me, to harbour the most distant Thoughts that could be esteemed injurious to that Government, whose Protection and Justice I am now suing for.

But as you desire me to be very explicate in declaring my real Sentiments, I must profess myself of no Party, and that I am not biassed or prepossessed in favour of any Set of Men or Principles, except a sincere Love for Liberty, and the Welfare of Society

ciety in general. I have observed in all prejudiced Persons a sort of Enthusiasm that enslaves the Mind, and fetters the Understanding; Reason is led Captive by Opinion, to the Destruction of Knowledge, and even Humanity. This has been the Misfortune attending most of our System Founders, whether in Philosophy, Religion, or Government, that they have not so much endeavoured reasonably to account for the various Phœnomena of Nature, or to assign Effects to their proper Causes, as to reconcile them to their favourite Systems. And if the Author of any particular Doctrine has but Credit and Authority enough to make it once fashionable, he need not doubt of having Followers who will implicitly and furiously maintain his Notions, and obstinately shut their Eyes, for fear they should use them, and be undeceived. Truth is not to be come at without some Difficulty, and few People will be at the Pains of carefully searching for it, but content themselves with a servile Submission to other Mens Thoughts, and think a great Name sufficient to vindicate their Belief. To what can be ascribed that Opposition that was made to the Admission of the *Copernican* and *Harveian* Discoveries by the Learned of their respective Ages (the Truth and Excellence of both which are now clearly evinced) but to an Unwillingness to receive any Opinion contradictory to their favourite Hypothesis,

and

and a lazy Pride, that would neither suffer them to acknowledge their own so long continued Errors, nor be at the Trouble of candidly examining, and thereby forming an impartial Judgment of the Perfections of others ?

In religious Matters Prejudice, or, as it is commonly term'd, Zeal, is no less strong, though more dangerous ; as its first Principles commonly take Root in the Cradle, and gather Strength by a narrow Course of Education, as Mr. *Dryden* observes :

*The Priest continues what the Nurse began,
And thus the Child imposes on the Man.*

I would be understood to mean only those false Prejudices that induce Men to build their Faith or Religion merely on the Credit of others, without endeavouring to inform their Understandings of the Truth of their Belief. With what Envy, Rage, and Malice, have we seen Bigots to Opinion persecuting one another, as they were supported by Power, for Things in themselves altogether indifferent ? Fire and Faggot have been mutually employed to destroy their Adversaries ; an Instance of which, we have in that fatal Dispute between the Surplice and the Cloak, which set these three Kingdoms in a Flame, and for a time subverted the Constitution. If we would but make Reason our Guide, and submit every Proposition

position to that Test, we should neither admit or reject any Tenet upon the bare Persuasion of others, however dignified or distinguished; nor blindly attach ourselves to a Multitude to do Evil. As to my own part, with the great Mr. *Locke* *, “ I design to take my Religion from Scripture; and then, whether it suits, or suits not with any other Denomination, I am not much concerned; for, I think, at the Last Day, it will not be enquired whether I was of the Church of *England*, or *Geneva*, but whether I sought or embraced Truth in the Love of it.”

And as I desire to be indulged in a free Way of Thinking in regard to Religion, so I would in Politicks, and not be obliged to join any Party, but upon a thorough Conviction, that their Principles were directed according to the strict Rules of Reason and Justice, and calculated truly to promote the publick Good. An obstinate Prepossession in favour of particular Forms of Government, or of particular Persons or Families, have been equally fatal to the Well-being of several once powerful States; and whoever takes a serious View of the Course and Succession of Civil History, must be convinced, that the greatest Transactions, both in Peace and War, (not only to the Disturbance, but even Destruction of the respective Communities) have owed their Rise to this very Cause.

* Letter to Mr. *Samuel Bold* at *Steeple*.

Cause. The long Contest between the rival States of *Sparta* and *Athens*, and which ended in the Ruin of both, seem to have drawn their Origin from a too vehement Fondness for their own Forms of Government, and a mutual Desire to make each the Rule and Standard of the other. The Interest of a State is not always considered in the Determination of its Counsels, and the Welfare of the whole is too often superseded for the sake of indulging a perverse Passion for some particular Object. The Factions of the *Guelphs* and *Gibelines* in *Italy*, and of *York* and *Lancaster*, the *White* and *Red Rose* in *England*, threw the different Parts where they prevailed, into the most terrible Convulsions, and were pursued with as much Eagerness and Cruelty on both Sides, as if the Decision of the Controversy had been to determine the Fate of the whole World, when, in reality, they were of no Importance to the Good of Society. In like manner, People of late Days have ranked themselves under the Denomination of *Whig* and *Tory*, and been mutually implacable Enemies to each other; not because they were convinced of the Reasonableness of either's Tenets, but as they have been taught or prepossessed to one or the other. The same infatuating Bias of Mind attaches those mistaken People the *Jacobites*, to the Interest of the Descendants of the late King *James II.* and from a firm

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Persuasion

Persuasion that the Right to the Crown of *Great-Britain* is annexed to the Person of a *Stuart*, they would not scruple to break through all Bonds social or civil, and to sacrifice the Liberties of their Country, to pave the Way to his Ascent to the Throne.

When Mankind first began to form themselves into distinct Societies, Necessity obliged them to agree upon certain Regulations whereby to determine their Conduct to each other, for the Preservation of Order and Tranquillity, and for Security against private Rapine or publick Invasion; and to enforce a due Observance of these Regulations, they delegated in one or more of their respective Bodies, an executive Power to compel Obedience by Punishment or Reward. This appears to have been the Source of Government in general: And as in this first State of Nature, there must have been an absolute Equality in every one's Pretensions, there could have been no Competition or Claim of Right to this Authority, in any Person or Persons, by reason of any natural Superiority, but the Choice was directed by an approved Knowledge of the Probity and Moderation of the Elected, and the Submission to him voluntary, as conducive to the Well-being and Happiness of the Community.

What particular Mode of Government chiefly prevailed in the first Ages, is of little Consequence, as we may reasonably pre-

sume it underwent several Changes, and was frequently new modell'd according to the Conveniencies or Inconveniencies experienced by the People. As Property happened to be unequally vested by the Industry and Cunning of some, and Idleness and Folly of others, Ambition and Intrigue introduced themselves into the Seat of Power, and forged those Chains, which Superstition riveted, and which, afterwards, by Degrees, enslaved half Mankind. Aspiring and designing Spirits obtained the Reins of Government, and, by an artful Application to the Passions and Prejudices of the Unwary and Unthinking, not only maintained their Authority to themselves, but delivered it down to their Posterity; whence sprang hereditary Monarchs. And as this Method of transmitting the Sovereignty to one Family, removed the Inconveniencies of Competitors for Rule, and prevented the factious Disputes of the Opulent and Ambitious, which had been found, by Experience, to bring many Calamities on the Constitution. Men soon grew enamoured with their Fetters, and Custom established a sort of prescriptive Right in the Family once possessed.

But still the Traces of original Liberty were not so far blotted out, that Princes could make their own arbitrary Will and Pleasure the Standard of Government; on the contrary, they were obliged to as exact a Conformity to the established Laws
of

of the Community, both in publick and private Affairs as any Subject. * The *Egyptians* (who were perhaps the most antient Nation in the World, and who are said to have been the first Contrivers of established Rules of Government, whereby to render Life easy, and the People happy; and whose Laws and Institutions were not revered by those only who lived under their immediate Influence and Protection, but were equally admired by the Legislators of other Countries, who borrowed from them the best Part of those they afterwards established at home) restrained their Monarchs under certain Regulations for their Conduct in private Life, as well as under an implicit Subjection to the Laws of the Kingdom in publick; Vice had no Opportunity of Access into the Palace, nor had Royalty the Power to satisfy its more dangerous Appetites, by wronging or oppressing the Subject. And while Justice and Moderation directed the Actions of their Kings, the People not only loved, but adored them, and would have sacrificed whatever was dear to them for their Safety.

Nothing more contributed to keep alive this Spirit of Liberty, than the antient Simplicity of Manners; their Desires were few, and limited only to the Preservation and

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Improve-

*. Diodorus Siculus, *Lib. I.*

Ægyptiorum Reges ex lege suâ Judices jurejurando adigebant, si vel Rex jussisset quid judicare non juste, non obtemperaturos.

PLUTARCHI *Apothegmata.*

Improvement of their respective Properties, till Ease and Plenty introduced Wantonness and Luxury; the generous Principles of Virtue and Freedom, then became Victims to selfish Passions and vicious Appetites; Pride, Envy, and Avarice, usurped the Direction of Mankind, and influenced them to mutual Acts of Violence and Oppression; Jealousy of Power gave Birth to Disputes, and those Disputes to Wars, that for the most part ended in the entire Subjection of the Conquered, who were reduced to the Necessity of submitting their Persons and Possessions to the uncontrollable Will of the Victors. Power now began to take larger Strides, under pretence of this new Right of Conquest; and from being accustomed to treat the Vanquished as Slaves, assumed the same Authority over its natural Dependents; and as the Enlargement of Dominion and Acquisition of Property flattered the Ambitious and Covetous with the Gratification of their Wishes, Men grew less careful about the Preservation of their Liberties, than anxious to rob their Neighbours. Under these Circumstances, it was not difficult to an enterprising Genius, possessed of the supreme Magistracy, and who had been successful in his Undertakings, to persuade a People (whose Minds were corrupted, and Manners depraved) into so good an Opinion of his Abilities, as to subject themselves to his arbitrary Will,

Will, and by that means establish Tyranny and despotic Government.

It has ever been the Policy of Princes who have aimed at unlimited Sovereignty, to divert the Attention of their Subjects from examining into their Designs, by engaging them in foreign Pursuits, or to enervate their natural Dispositions, by introducing and countenancing effeminate Pleasures, as the only Means of rendering Oppression less obvious, and more securely to fit them for the Yoke intended to be imposed.

But the various Oppressions that had been felt under the Administration of Princes who had made themselves arbitrary, very early animated those Nations (in whom the Sparks of Virtue and publick Spirit were not totally extinguished) to endeavour the Reformation of Government; to effectuate which, the first Step they took, was either to abridge or abolish the regal Authority. Thus, in *Sparta*, **Lycurgus* appointed a Senate consisting of twenty-eight Persons, in whom were vested the supreme Management of Civil Affairs, to maintain a due Ballance between the Kings and the People; and in his Laws took Care to prevent, as far as he was able, any one being powerful enough to oppress his Fellow-Citizens, by engrossing too large a Share of Property, or any one being so necessitous, as to expose them to the Danger of Corruption; and that Luxury and Voluptuousness

* Plutarch in Vita *Lycurgi*.

luptuousness might have no Means of Admission, he regulated Dress and Diet by particular Institutions.

In like manner the *Athenians* took the first Opportunity to abolish even the Name of King, and to commit the Direction and Management of the State to elective Magistrates, under the Title of Archons ; and having experienced the Mischiefs arising from this Dignity being held for Life, they reduced its Duration to ten Years : But as the Abuse of Power called for a farther Regulation, they not only limited this Office to one Year, but divided the Authority that had been heretofore exercised by one Person, between nine. * *Solon*, by the unanimous Desire of the People, made farther Improvements in the Constitution, which had been greatly disturbed by the Severities the Rich used towards the Poor on account of their Debts, and the alternate Struggles between the Nobles and the Commonalty for Rule. To remedy these Evils, he first contrived to remove the chief Cause of Animosity, by relieving the Oppressions of the meaner Sort ; and to preserve an Equilibrium in Power, he raised the Reputation of the *Areopagites* to serve as a Check upon the Senate, and appointed a Senate of four hundred to be chosen by Ballot, to be a Restraint upon the Licentiousness of the People ; by which means he endeavoured to guard against the arbitrary

Thirst

* Plutarch in Vita Solonis.

Thirst of Dominion in the Rich, and the unreasonable Desire of Freedom in the Commons.

The other *Greek* States were not less jealous of their Liberties, nor less averse to monarchical Government ; King and Tyrant were almost synonymous Terms ; and while they strictly adhered to these generous Principles, the united Forces of *Persia* were not able to bring them under Subjection.

The *Roman* Policy underwent several Alterations, and experienced almost all the different Forms of Government that had before prevailed. In their Infant State elective Monarchy was preferred by the Voice of the People ; for notwithstanding *Romulus* had enjoyed the chief Conduct of the Colony during the building of the City, and was himself the Grandson of a King, he did not pretend to exercise or claim any Superiority over his Companions, but submitted to themselves the Choice both of the Form and Person whereby they would be governed : And though the Election was unanimously determined in his Favour, he did not assume a despotic Power over his Subjects ; but after having established a due Subordination of Rank, and taken the most effectual Measures to preserve Unity and Concord, he wisely instituted a Senate, and made them and the People Partakers of his Authority : To himself he reserved the Care of religious Affairs, the Execution of the Laws, the Application of

of the publick Money, the Command of the Army, and the Privilege of assembling the Senate and People. The Senate, who were chose equally out of the Patricians, according to their several Tribes by themselves, had the Cognizance of some Causes, and the Liberty of debating and determining any Proposition of the King's, according to the Plurality of Voices. In the People was lodged the Power of electing Magistrates, and enacting Laws, and their Assent was necessary to any War that was proposed.

By these prudent Regulations, *Romulus* engaged the Affections of his Subjects to the highest Degree; nevertheless, as soon as he attempted to extend his Prerogative beyond the Bounds himself had prescribed, he fell a Sacrifice to the Resentment of those he was about to injure.

The Constitution still continued in the same Form under a Succession of divers Kings, all appointed by the free Choice of the People, who in their Elections seem to have been influenced by nothing but the Abilities of the Person chosen; no other Claim was ever offered for the Possession of the Throne, till *Tarquin the Proud* first pretended a Right of Inheritance from his Grandfather; and under that Pretence, and by a Series of unparalled Cruelties, made his Way to it; and as he possessed himself of Power, in Contradiction to the Laws, by usurping the Crown without the Suffrages

of the People so he behaved himself, during his whole Reign, like a most inhuman arbitrary Tyrant. His Subjects, justly provoked at his numberless Oppressions, and insupportable Barbarity, gladly embraced the first Opportunity to deprive him of the Kingdom, and passed a Decree for the Banishment of him and his Family, which put an End to the regal Title at *Rome*.

As Monarchy had been found prejudicial to the Interest of the State, and Welfare of the People, to guard against the like dangerous Inconveniencies for the future, they determined not to trust the Direction of the Government to one Man; wherefore, instead of Kings, they substituted two Magistrates, whose Power and Authority were to be equal, and who were to be considered as supreme, with the Denomination of Consuls; and to secure this Dignity from becoming destructive or formidable to the Liberties of the Publick, the Election to it was annual, by which means those who were preferred to it, were instructed as well how to obey as to command.

The Kingdom being by this means converted into a Commonwealth, suffered but few Alterations for a long Course of Years; the most material were occasioned by the poorer Sort and Debtors, being too rigorously treated by the Rich and Powerful, by which Complaints and Murmurs among the inferior Classes, disturbed the Tranquillity of

the Republick, and, by the Crafty and Turbulent, frequently ripened into Sedition. Hitherto the chief Power had been lodged in the Body of the Patricians, from whence the Consuls and Senators were chosen; and though the Authority of the People had been considerably augmented since the Abolition of the regal State, the Plebeians were still desirous of clipping the Consular and Senatorial Privileges, and adding to their own; while, on the other hand, the Patricians obstinately opposed making any condescensions to the requests of the Populace. To suppress these tumults, and to evade the Force of the Law, that allowed final Appeals to the Assembly of the People, which obstructed the Punishment of the Seditious, the Senate thought fit to create one supreme Magistrate, whose Power, as long as it lasted, should be absolute and uncontrouled, to which the People, by Artifice, were prevailed on to consent. This new Officer bore the Title of Dictator, during whose Authority (which was not to exceed six Months) all the other Magistracies were suspended; while he alone was Arbiter of the Laws, and from his Judgment lay no Appeal.

The Administration of this temporary Authority, was never conferred but on the most important Occasions, as the most effectual Expedient to quell domestick Insurrections, or to repel foreign Invasions; and as soon as the Purpose for which the Dictator had been appointed, was fully answered,

he was obliged to resign his Power, and was considered but as a private Citizen, and the Constitution reverted to its old Form. Tho' this served as an immediate Remedy against present Inconveniencies, it did not abate the Discontents and Animosities Oppression and Jealously had raised. The opposite Interests of the Patricians and Plebeians divided the City into different Parties, between whom there was a continual Emulation for Domihion, which was pursued on both Sides with the utmost Obstinacy. The Commons never failed taking Advantage of any publick Troubles (when their Aid was necessary in raising Levies to oppose an Enemy) to insist upon a Redress of Grievances, and to introduce some of their own Body into the Legislature; by this Means the Officers of State were frequently multiplied; and as all Places of Trust and Posts of Honour in the Government, were disposed of by the Suffrages of the People, whose Poverty exposed them to Venality and Corruption, the Road to Preferment was by Bribery and Adulation. The Opulent and Ambitious knew so well how to profit by this factious and mercenary Disposition of the Electors, as to possess themselves of the exercise of Power, by flattering the Licentiousness of some, and supplying the Necessities of others. And as the martial Genius of the *Romans* continually prompted them to foreign Wars, and their unbounded Pride to add Province to

Province, till they had obliged the World to acknowledge their Sovereignty, they were under a necessity of supporting large standing Armies for the maintenance of their Conquests; the Commanders of which being enriched by the Plunder of the vanquished Places, were furnished with the Means of perpetuating their Authority, by an artful Application of their Wealth, and a criminal Popularity, till they contrived the Means to overturn that Constitution they were appointed to protect, and establish themselves Tyrants at the Expence of the Liberties of their Country.

Nevertheless, despotic Power could not at once triumph over Men so passionately fond of Freedom, without preserving the Appearance of their former Customs; wherefore *Sylla* and *Cæsar* assumed only the Dictatorial Authority; and when *Octavianus* (who had been taught, by the Fate of his Uncle, to fear the Resentments of an injured People) usurped the Reins of Government, his first Care was to get all his Proceedings ratified by the Senate (which he had properly modelled to fit his Purpose) and by that Means constituted a Tyranny of the most dangerous sort, a Tyranny that had the Sanction of Law; to support which, he took the most effectual Methods to attach the Soldiery inviolably to his Interest; and to reconcile the Populace to his Measures, he affected to act only as their particular Magistrate,

Magistrate, by virtue of his Tribunitial Power; and by entertaining them with Variety of Sports and Shews, he kept them in good Humour, and rendered them not only insensible of their Danger, but even instrumental to their own Slavery. What particularly favoured this Transition from a Commonwealth to Monarchy, was the universal Degeneracy of Manners that prevailed at *Rome*; Luxury and Prodigality had debauched and sunk the Commonalty, and made the Nobility venal and vicious, Strangers to private Virtue or publick Glory; that noble Zeal for Patriotism, whereby the *Romans* used to be distinguished, was now changed to an abject Submission, and servile Adulation to the arbitrary Wills of their haughty Emperors, or insolent Ministers.

To these Causes may be ascribed the Imposition of Tyranny, and the Loss of Liberty to the bravest People in the World; and the same Measures that were convenient to effect an Usurpation, were also necessary to protect and continue it to Posterity; whence most of the succeeding Emperors seem to have made it a standing Maxim, to supplant Virtue by encouraging libidinous and effeminate Diversions, and to intimidate the Resolute by numerous military Forces, as the surest Way to secure their ill-gotten Power.

It may be worth Observation, that notwithstanding the Pride and Cruelty where-
with

with the greatest Part of the *Roman* Emperors exercised their Authority; and tho' it was customary among them to nominate their Successors, yet to maintain an outward Shew of Legality, they thought it necessary to have their Titles recognized and approved by the Senate; and after the Extinction of the *Claudian* Family, this Dignity was never long preserved by a lineal Succession in any other, but was at length wholly in the Disposal of the Armies, which were very numerous, and each equally desirous to prefer their respective Leaders or Favourites. By this Multiplicity of Rivals for Empire, their Power was so much weakened, that they were obliged to desert their more distant Conquests, for the sake of preserving the more contiguous Provinces.

The *Britains* were almost the first that were, by this Means, freed from the *Roman* Bondage, though it was not long before they were necessitated to be subject to another. The Ravages of the *Scots* and *Picts* induced them to apply to the *Saxons* for Assistance, who, from being their Protectors, soon became their Conquerors, and either forced them to seek Refuge in other Countries, or drove them into the most desolate Parts of their own, while the Victors repopled the Island with their own Countrymen, and brought with them their own Laws, Customs, and Form of Government; from whence is derived the Plan of our present

sent happy Constitution. Courage, Magnanimity, Love of Liberty, and Contempt of Death, were the Characteristicks of our *Anglo-Saxon* Ancestors. The Countries that were subject to them, were divided into several *Pagi* or Districts, over each of which was appointed an Head or Prince, who was accountable for his Behaviour to the general Assembly of the Nation, where every native Freeman had a Right to be present. * At this Assembly a publick General was chosen, who during a War was invested with an almost sovereign Power, but his Authority ceased as soon as Peace commenced; nor did it extend to the Imposition of Taxes, or Institution of Laws. Here likewise the Princes were elected, all publick Grievances redressed, and whatever was esteemed beneficial to the Community transacted. To prevent the ill Consequences of any precipitate Resolutions which might be taken in so confused a Meeting, it is not improbable that the Princes might be considered as a Standing Senate, or Upper House, to consult in any Emergency, to assemble the People, and to prepare Matters for their Determination. To them likewise was referred the Performance of Embassies, and Reception of foreign Embassadors: But all Affairs of Consequence to the publick Good, were determined by the general Assembly, wherein the Princes had no farther Weight, than

* *Squire's Enquiry into the Foundation of the English Constitution, Page 66.*

than what arose from a Knowledge of their personal Merit.

This political Form, which the *Saxons* derived from the *Germans*, was by the former transplanted into *England* when they obtained a Settlement there; but the Name of General was changed into that of King by * *Hengist*, when he established himself in *Kent*; though this new Title gave no new Power, and grew hereditary merely through the Confusion of those Times, nevertheless the Succession was frequently interrupted, even in the most orderly States of the Heptarchy, for the *Wittena Gemot*, or General Assembly, reserved the Power of approving or deposing their Kings; and when any of them assumed the Disposal of the Kingdom by Will, it was of no Force till it had received the Approbation of the Whole in the publick Meeting. They distinguished between Treason against the Kingdom, and against the King; the former was punished with the Loss of Life and Estate, the latter only with a large Fine.

During the Time of the Heptarchy, as each Kingdom had its particular Head, so they had their respective *Wittena Gemots*; but in Cases of Emergence, there was a general Meeting of all the Seven States, when a Generalissimo was appointed, who presided over the whole *Saxon* Nation; and such other Affairs were managed and determined, as related to the common Good.

The

The continual Irruptions of the *Danes* for several Years, introduced many Disorders into the Constitution, that when *Alfred* had established Tranquillity in his Dominions, he thought it necessary to make many Regulations to secure it. The principal of these were his Division of the whole Kingdom into Counties, the Counties into Hundreds, and the Hundreds into Tythings; and whoever could not tell what Tything he belonged to, was punished as a Vagrant. And for the further Preservation of the Peace, each of these Divisions from the County to the Householder, was accountable for the Behaviour of its Subordinates: Over each of these Bodies an Head was chosen annually by the respective Members, who * probably served also as its Representative at the *Wittena Gemot*. By another Regulation of this Prince's, all Resolutions concerning the Publick, were to pass through three several Councils; the first of which consisted of such only as the King had a particular Esteem for, where all Affairs were first debated; from thence they were referred to the second, which was composed of a certain Number of Bishops and other Noblemen, all appointed by the King; and lastly, to the *Wittena Gemot*, in which were comprised all the Nobility Spiritual and Temporal, and the Representatives of the People, independent of the Regal Authority.

* *Squire*, Page 242.

city. The royal Prerogatives consisted in the Power of creating the Nobility, the confirming and executing the Laws, the pardoning Criminals, and the coining Money, though its Value could not be altered or abased, without the Consent of the General Assembly.

Under *Edward the Confessor* there were three Sorts of Laws, the *West Saxon*, *Mercian*, and *Danish*; and to prevent the Confusion that must necessarily happen by this Diversity, he united them all into one Body, which was ever after the Standard of the People's Demands against any Encroachment of the future Kings.

The *Norman* Conquest produced many Alterations in the State, and occasioned the Suspension of the old Laws for many Years; though the Conqueror chose to preserve the Appearance of the antient Right to the Possession of the Throne, and to ascribe his Dignity rather to the free Election of the People, than to Force. In the several Attempts that were made during his Reign to shake off the Yoke, it may be observed, the King's Partiality to his natural Subjects the *Normans*, and his Oppressions to the *English*, were assigned as the Reasons for those Insurrections, and not the Defence or Support of the lineal Heir, notwithstanding the hereditary Pretensions of *Edgar*, who was at the same time in the Kingdom, were incontestable.

In like manner *William*, *Henry*, and * *Stephen*, could not pretend to the Crown by any natural Right of Descent, but by courting the People with fair Promises, obtained their Assent, and in their Charters acknowledge the Derivation of their Power from thence. These Princes, as well as their Successors, were very profuse in their Promises, though very negligent in the Performance of them; and as their boundless Ambition prompted them to extend their Prerogatives at the Expence of the Privileges of their Subjects; the latter, wearied with the intolerable Oppressions and Exactions of the former, obliged King *John* to grant them that Charter, by which those valuable Liberties we now enjoy, were solemnly settled and confirmed; by the 70th Article of which, we may reasonably presume the Doctrine of absolute Non resistance had not then gained that Credit it did afterwards, seeing a Power is therein granted to the People to compel the King to an exact Compliance with all its Contents, as we may learn from the Words, *viz.* “ And whereas for the
 “ Honour of God, and the Amendment
 “ of our Kingdom, and for quieting the Dis-
 “ cord that has arisen between us and our
 “ Barons, we have granted all the Things
 “ aforesaid; willing to render them firm
 D 2 “ and

* Ego Stephanus Dei gratia assensu Cleri & Populi in regem Angliæ *Electus*, &c. *Rapin*, from W. Malmf. de gest. lq.

“ and lasting, we do give and grant to our
 “ Subjects the following Securities, namely,
 “ that the Barons may chuse five-and-twenty
 “ Barons of the Kingdom, whom they think
 “ convenient, who shall take Care, with all
 “ their Might, to hold and observe, and
 “ cause to be observed, the Peace and Li-
 “ berties we have granted, and by this our
 “ Charter have confirmed. So as that, if
 “ we, our Justiciary, or Bailiffs, or any of
 “ our Officers, shall in any Case fail in the
 “ Performance of them towards any Person,
 “ or shall transgress against any of these Ar-
 “ ticles of Peace and Security, and the Of-
 “ fence is made known to four of the afore-
 “ mentioned twenty-five Barons, the said
 “ four Barons shall repair to us, or to our
 “ Justiciary, if we should be out the Realm,
 “ and, laying open their Grievances, shall
 “ petition to have it redress’d without De-
 “ lay ; and if it is not redressed by us, or
 “ if we should chance to be out of the
 “ Realm, if it is not redressed by our Justicia-
 “ ry within forty Days, reckoning from the
 “ Time it has been made known to us, or to
 “ our Justiciary, if we should be out of the
 “ Realm ; the four Barons aforesaid, shall
 “ lay the Cause before the rest of the five-
 “ and-twenty Barons, and those five-and-
 “ twenty Barons, together with the Com-
 “ munity of the whole Kingdom, shall dis-
 “ train and aggrieve us by all possible
 “ Means, namely, by seizing our Castles,
 “ Lands,

“ Lands, and Possessions, and in any other
 “ manner they can, till the Grievance is
 “ redressed according to their Pleasure, sa-
 “ ving harmless our Person, and the Persons
 “ of our Queen and Children; and when
 “ it is redressed, they shall obey us as before.
 71. “ And any Person whatsoever in the
 “ Kingdom, may swear to obey the Orders
 “ of the aforesaid five-and-twenty Barons in
 “ the Execution of the Premises, and that
 “ he will distress us jointly with them to
 “ the utmost of his Power, and we give
 “ publick and free Liberty to any one that
 “ will swear to them, and never will hin-
 “ der any one from taking the same Oath.”

As the granting this Charter was not an
 Act of Bounty but Necessity, that King made
 several Attempts to shake off this Curb to
 his arbitrary and avaricious Passions, in
 which he was imitated by some of his Suc-
 cessors, but in vain; our Ancestors (not-
 withstanding the prevailing Superstition of
 those Times) had not yet conceived so high
 an Opinion of the divine Right of their
 Governors, nor were so much prejudiced in
 favour of passive Principles, as tamely to
 suffer their Liberties to be wrested from
 them at the imperious Will of an ambitious
 Monarch; and therefore whenever their le-
 gal Rights were notoriously infringed, and
 Remonstrances proved ineffectual, they made
 no Scruple of opposing Force to Force, by
 which Means they have been enabled to de-
 liver

liver down to their Posterity, that beautiful Frame of Government which secures Happiness to ourselves, and makes us the Envy of our Neighbours.

The weak or tyrannical Disposition of some of the succeeding Princes, frequently renewed these Contests; the former by a blind Attachment to favourite Ministers, who were too apt to abuse the Confidence of their Masters to the Oppression of their Subjects, and the latter by usurping an illegal Power to themselves, gave Occasion to frequent Revolutions: In the Prosecution of which, the Rivals for Sovereignty seem rather to have set forth the Necessity of a Change for the reforming such Abuses as had crept into the Administration of the State, than to have laid any great Stress upon their hereditary Claim: Whence it may be inferred, that as long as the People's Rights were inviolably maintained, nor their Properties invaded, they were not easily persuaded to fall together by the Ears, and involve the Kingdom in the Miseries of a Civil War, for the Support of any particular Persons or Families private Pretensions.

The hereditary Succession to the Crown doth not appear to have been esteemed an essential Part of our original Constitution, but merely the Result of Custom and Convenience, till it was established as a Law by the Authority of Parliaments, by whom we find the lineal Course of Inheritance to have been

been often interrupted, and various Limitations agreed to, according to the Exigencies of the State. Thus in the Reign of *Richard II.* *Roger Mortimer* was declared by Parliament the presumptive Heir for want of Issue of the King ; but as the Mismanagement of that unfortunate Prince had alienated the Affections of his Subjects, the Barons assembled to procure a Redress of their Grievances, and made no Scruple to threaten the King with Deposition ; and proceeding to a new Election if he did not meet them ; and afterwards he was dispossessed by *Henry IV.* in whose Favour [tho' not the next of the Royal Family in Descent] the former Settlement was altered and determined to him and his Heirs. The Weakness of his Grandson *Henry VI.* gave an Opportunity to *Edward IV.* to obtain the Reins of Government, when all the former Acts in favour of the House of *Lancaster* were repealed, *Henry VI.* was attainted, and the Throne limited to the House of *York*. All these Acts and Attainders made against the Line of *Lancaster*, were afterwards set aside, when *Henry VII.* came to the Throne, who was of that Line ; and though by Marriage he had united the Title of both Houses, he always stood up for his own, and would not admit his Queen so much as a Name in the Administration. In regard to that unfortunate Prince *Henry VI.* it may be reasonably presumed, that if
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the publick Affairs had been conducted with the same Prudence, and attended with equal Success, as in the Reign of his Father, his natural Right would never have been called in question, nor would *Edward IV.* have found any great Number of Adherents to support his Title by Descent.

In the subsequent Reigns, the royal Title, at the Accession of the several Princes, was recognized, and the Course of Succession declared by Acts of Parliament ; and in these Recognitions it may be observed, that the Investiture of Sovereignty did not depend solely upon the Course of Inheritance, but equally on the Determination of the Laws and Statutes of the Realm ; and consequently no Person can have any legal Right under Pretence of the former, unless it is corroborated and confirmed by the latter.

This was the State of the Constitution at Queen *Elizabeth's* Accession, in the 13th Year of whose Reign it was enacted, That whoever should affirm, or maintain, that the Crown could not be disposed of by Parliament, should be guilty of Treason ; which Statute stands unrepealed to this Day. Her Reign may truly be said to add the brightest Lustre to our *English* Annals. How happy would it have been for the Kingdom, had her Successors followed her glorious Example.

No Prince was ever received by his Subjects with more Joy, than King *James I.*
but

but his inconsiderate Profuseness to unworthy Favourites, and his indigent Countrymen, kept him continually poor ; and his imperfect Knowledge of the *English* Constitution, induced him sometimes to attempt an illegal Extension of his Prerogative ; whence Discontents and Murmurings arose among the People, and the Fewel was laid for that Fire, which was kindled by the Imprudence and Mismanagement of his Son King *Charles* I and the artful Practices of the Seditious ; whereby the whole Kingdom was afterwards involved in Flames, and that unfortunate, misguided King, fell a Victim to Rebellion : A dreadful Catastrophe, that it were to be wished could be for ever buried in Oblivion.

The Restoration flattered all honest Men with the Expectation of an approaching Sunshine, that the Constitution would in all its Parts be restored, the Laws duly executed, and our Liberties secured ; but how soon were these Hopes eclipsed ! King *Charles* II. was more inclined to Ease and Pleasure, than to the Cares of State and Business of Government ; wherefore the transacting the publick Affairs was entrusted to the Direction of Ministers, who did not always consult the true Interest of the Kingdom, so much as their own private Passions and particular Benefit. His Brother was unhappily so bigotted to the religious Principles he had imbibed during his Exile, that when he came to the Throne, the established Religion, Laws,

and Liberties of the Subject, were in the greatest Danger by his rash Conduct and mistaken Zeal. The Ministers of Kings are too apt in giving their Advice, to be guided rather by the Inclination than real Advantage of those they serve; and it is not to be doubted but King *James II.* was influenced by the Opinions of wicked or designing Counsellors, to pursue the violent Measures he did; but how poor an Excuse is this? Notwithstanding the Maxim in our Law, that says the King can do no Wrong, imputing all Injury to his Ministers, surely it must argue either Weakness or Wickedness in a Prince, to suffer himself to be directed by any one against the united Voice of his Subjects. However this Distinction, without a Difference, may have gained Ground among us, it is pretty evident it did not very greatly among our Ancestors. The Sentiments ascribed to one of the first *Persian* Monarchs upon this Occasion, are worthy of Notice. * “ Ministers
 “ are as the Hands or Instruments of Kings;
 “ Men look not for an Account of their Ac-
 “ tions from themselves, but from their Ma-
 “ sters; a King therefore should look well
 “ to his Ministers; for it is as vain to throw
 “ the Weight of Crimes upon them, when
 “ the People rise in Rebellion; as it would
 “ be for a Murderer to tell the Judge, that
 “ it was not he, but his Sword that killed his
 “ Neighbour. Bad Princes have sometimes
 “ had good Ministers, but good Princes have
 “ never had bad ones long.” The

* Universal History, Vol. VI. from Beauchamp's *Essays*.

The manifest Violation of the fundamental Privileges of the Kingdom by this ill-judging Prince and his Ministers, gave occasion to the Revolution; the Doctrines of Passive-obedience and Non-resistance, were strongly preached up during these two last Reigns, and the divine Right of Kings obtained, in some sort, the Approbation of the Legislature; nevertheless the People were too tenacious of their ancient Rights, to be persuaded or bullied out of them; wherefore, in this Case of Emergency, they had Recourse to the Prince of *Orange*, who thereby became the glorious Instrument of rescuing us from being forced to comply with a Religion and Government incompatible with Liberty. The King withdrew himself from the Kingdom, upon which the two Houses of Parliament, in whom were lodged the only remaining Power, as their Predecessors had formerly done, conferred the Exercise of the Regal Authority on the Prince and Princess of *Orange*, and made a new Settlement of the Crown in their favour, and afterwards took the most effectual Methods human Prudence could suggest, to prevent the same Hazards for the future, by limiting the Succession to the present Royal Family, under whose Auspices the Advantages are too evident to need any Eulogium.

But notwithstanding the Calamities wherewith the Kingdom was threatened by the Mal-administration of King *James*, and our Deliverance from them by the Interposition of King *William*, were so very evident, there

were some, who from a false Prejudice in favour of the Sacredness of kingly Power, and hereditary Right, obstinately adhered to the abdicated King, and perversely endeavoured to destroy the good Effects of the wise and salutary Measures at that Time taken for the Security of the Nation, which Opinions they have industriously handed down to their Posterity, and thereby entailed upon them Principles that are not only obnoxious to our present happy Establishment, but destructive to the Well-being of Society in general.

The Practice and Example of our Ancestors, sufficiently authorize the Proceedings at the Revolution, and so far was it from being a Breach of our Constitution, that it ought to be esteemed a Reversion to its primary and original Principles, and consequently a publick Benefit, according to that known political Maxim, that those Kingdoms and Republicks subsist the longest, that are the most frequently renewed, or brought back to their first Beginnings.

The Methods then made use of to provide for the Peace and Safety of the Community, were also conformable to the Practice of all other wise or free Nations, none of whom, as may be collected from History, were so absolutely addicted to any Person or Family, as to continue a Prince in Power, whose Incapacity or Tyranny rendered the Liberties of the Subject precarious; nor would they admit one that openly professed a Religion contrary

trary to that which was established among them; nay, the latter has been deemed a sufficient Reason for Exclusion, where there has been no other personal Exception. Thus, among the Ancients, * *Scyles* King of *Scythia*, having imbibed from his Mother a strong Affection to the *Grecian* Customs and Religion; and being discovered celebrating the *Bacchanalian* Rites, (notwithstanding he used the utmost Privacy and Precaution) was immediately deposed by his Subjects, and the Crown transferred to his Brother *Oëtomasades*, and afterwards his Life was sacrificed to the Jealousy of his People, upon a bare Presumption that he had intended to introduce among them a Religion to which they were averse: And among the Moderns, *Henry of Bourbon*, tho' possessed of the most shining Qualities, and all Accomplishments necessary for a Prince, was, by the General Assembly of the States at *Blois*, declared incapable of succeeding to the Crown of *France*, merely for being a Protestant; nor could he ever be acknowledged King, till he had renounced that Religion which was the only Impediment: And *Sigismund*, King of *Sweden* by Inheritance, and of *Poland* by Election, was deprived of his hereditary Kingdom, and his Children excluded, only for being a Papist, and endeavouring to introduce that Religion into his Dominions, tho' in all other Respects he merited the Crown, and had the Affections of the People.

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* Herodotus, *Book IV.*

The Nature and End of Government in general, as well as of our Constitution in particular, plainly vindicate the Necessity and Rightness of resisting every illegal Usurpation of Power ; Government was made for Man, not Man for Government, and consequently the Happiness of all its Members is the supreme End of all Civil Societies. * “ Some
 “ kind of Regiment, as Mr. *Hooker* observes,
 “ the Law of Nature doth require, yet the
 “ Kinds thereof being many, Nature tieth
 “ not to any one, but leaveth the Choice as
 “ a thing arbitrary. At the first, when some
 “ certain kind of Regiment was once approved,
 “ it may be that nothing was farther
 “ thought upon for the manner of governing ;
 “ but all permitted unto their Wisdom and
 “ Discretion that were to rule, till, by
 “ Experience, they found this for all Parts
 “ very inconvenient ; so as the thing which
 “ they had devised for a Remedy, did indeed
 “ but increase the Sore which it should have
 “ cured. They saw that to live by one Man’s
 “ Will, became the Cause of all Mens Misc-
 “ ry. This constrained them to come unto
 “ Laws, wherein all Men might see their
 “ Duties beforehand, and know the Penalties
 “ of transgressing them.” The lawful Power
 “ of making Laws, according to the same Au-
 “ thor, to command whole Politick Societies
 “ of Men, properly belongeth to the same
 “ Societies.” Laws so made, must therefore
 be equally binding upon Governors as the
 Governed, and the Transgression of them

* Eccles. Polity, B. I. §. 10.

unlike-punishable; and these Laws also must determine the Measure both of the regal Prerogative, and the Subjects Obedience. From hence it must be inferred, that no Person can have any natural Right to arbitrary Power over his Fellow Creatures, and that every such Power, whenever assumed, is inconsistent with Civil Society. It is the Happiness of the *British* Constitution, that it consists of such a well-proportioned Distribution of Powers, that the Dignity of the supreme Magistrate, and the Safety of the People, are equally provided for: *Potestas Regis est Potestas Legis*, says *Bracton*, the King derives his Office and Power from the Law, and is bound to exercise the same for the good of the People, by whose Consent both the King and Laws were made. The Liberty and Welfare of a great Nation, are of too much Importance to depend on the Will of one Man, wherefore our prudent Progenitors have imitated the Wisdom of other free States, both antient and modern, by circumscribing the monarchical Authority within certain Limitations, which would be useless and superfluous, if it were unlawful to resist any Prince, any farther than by refusing to join with him; because the Monarch would have no other Restraint upon him, than what arose from mere moral Principles, which equally affects the most absolute Potentate: But the End of Limitations in Government, is that Princes may not only want the Means, but the Right and Power to oppress or invade the Property of their Subjects.

Thus, Sir, by shewing the Folly of the favourite Principles of *Jacobitism*, that hereditary
Claims

Claims to Dominion have no legal, or rational Foundation, and that the Doctrines of Passive-obedience and Non-resistance are repugnant to the Laws of Nature, the Dictates of Reason, and the general Practice of the wiser Part of Mankind, I hope I have, in some measure, cleared myself of the Scandal that was cruelly imputed to me : As I did not think a bare Denial sufficient Refutation of this Calumny, have been obliged to Prolixity, and shall submit to yourself to judge, whether from the premised Tenets, it is probable I could entertain such Opinions as are laid to my Charge. A partial Way of Thinking, either in civil or religious Matters, necessarily inclines to Violence, both in publick and private Affairs ; while, on the contrary, Men of the most extensive Views, are most remarkable for Benevolence and Evenness of Temper. Wherefore whatever part Providence shall assign me to act hereafter upon the Stage of Life, I should rather chuse to recommend myself to the latter than the former.

I will not trespass upon your Patience any longer, by attempting to apologize for any Imperfections of Style, or want of Coherence, but presume your Knowledge of my Circumstances, and of the Embarrassments of my Mind from a tedious Law-suit, in which I cannot be so properly said to have been opposed as persecuted, will be a sufficient Excuse for Defects in this long Epistle, in which if there is any thing useful, it is the Effect of your Commands, which will always be esteemed Favours by, Sir,

London,
Sept. 14, 1748.

Your most obliged humble Servant,

T. I.



